

## **SEC. 664. ADDITIONAL AMOUNTS OF DEATH GRATUITY FOR SURVIVORS OF CERTAIN MEMBERS OF THE ARMED FORCES DYING ON ACTIVE DUTY.**

### **(a) Increased Amount of Death Gratuity-**

(1) INCREASED AMOUNT- Subsection (a) of section 1478 of title 10, United States Code, is amended by striking ` \$12,000' and inserting ` \$100,000'.

(2) AMENDMENTS- Such section is further amended--

(A) in the first sentence of subsection (a), by striking ` (as' and all that follows in that sentence and inserting a period; and

(B) by striking subsection (c).

(3) EFFECTIVE DATE- The amendment made by paragraph (1) shall take effect as of October 7, 2001, and shall apply to deaths occurring on or after the date of the enactment of this Act and, subject to subsection (c), to deaths occurring during the period beginning on October 7, 2001, and ending on the day before the date of the enactment of this Act.

(b) Retroactive Payment of Additional Death Gratuity for Certain Members not Previously Covered- Such section is further amended by adding at the end the following new subsection:

` (d)(1) In the case of a person described in paragraph (2), a death gratuity shall be payable, subject to section 664(c) of the National Defense Authorization Act for Fiscal Year 2006, for the death of such person that is in addition to the death gratuity payable in the case of such death under subsection (a).

` (2) This subsection applies in the case of a person who died during the period beginning on October 7, 2001, and ending on May 11, 2005, while a member of the armed forces on active duty and whose death did not establish eligibility for an additional death gratuity under the prior subsection (e) of this section (as added by section 1013(b) of Public Law 109-13; 119 Stat. 247), because the person was not described in paragraph (2) of that prior subsection.

` (3) The amount of additional death gratuity payable under this subsection shall be \$150,000.

` (4) A payment pursuant to this subsection shall be paid in the same manner as provided under paragraph (4) of the prior subsection (e) of this section (as added by section 1013(b) of Public Law 109-13; 119 Stat. 247), for payments pursuant to paragraph (3)(A) of that prior subsection.'

(c) Funding- Amounts for payments after the date of the enactment of this Act by reason of the amendments made by subsection (a) with respect to deaths before the date of the date of the enactment of this Act, and amounts for payments under subsection (d) of section 1478 of title 10, United States Code, as added by subsection (b), shall be derived from supplemental appropriations for the Department of Defense for fiscal year 2006 for military operations in

Iraq and Afghanistan and the Global War on Terrorism, contingent upon such appropriations being enacted.

(d) Coordination of Amendments- If the date of the enactment of this Act occurs before the date specified in section 106(3) of Public Law 109-77--

(1) effective as of such date of enactment, the amendments made to section 1478 of title 10, United States Code, by section 1013 of Public Law 109-13 are repealed; and

(2) effective immediately before the execution of the amendments made by this section, the provisions of section 1478 of title 10, United States Code, as in effect on the day before the date of the enactment of Public Law 109-13, are revived.